

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMPIRE MERCHANTS, LLC,

Plaintiff and Counterclaim-Defendant,

-against-

CHARLES MERINOFF and
GREGORY BAIRD,

Defendants and Counterclaim-Plaintiffs.
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: No. 16-CV-9590 (JMF)(SN)

: **NOTICE OF MOTION**
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PLEASE TAKE NOTICE that, upon the accompanying Application for an Award of its Damages as a Result of Defendants' Breach of Contract, dated February 5, 2018 and the accompanying declaration of Avi Weitzman, dated February 5, 2018, together with the exhibits thereto, all prior pleadings and proceedings herein, Plaintiff Empire Merchants, LLC, by and through its undersigned counsel, moves this Court before the Honorable Jesse M. Furman, United States District Judge, in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, on a date and time to be determined by the Court, to enter judgment against and order Defendants to pay Empire's attorneys' fees and expenses incurred in litigating the action of *Merinoff v. Empire Merchants, LLC*, C.A. No. 12920-VCS (Del. Ch.), in the total amount of \$747,807.38, and for such other relief as this Court may deem just and proper.

Pursuant to the schedule agreed to by the parties and entered by the Court, opposition briefs are due on February 20, 2018, and replies are due on February 27, 2018. *See* ECF Nos. 76, 77.

Dated: February 5, 2018
New York, New York

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Randy M. Mastro
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Lawrence J. Zweifach
Avi Weitzman

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